

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

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In re: David Scott Beckwith

Case No. 24-10388-JEB

Debtor(s)

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Chapter 7

**DEBTOR'S MOTION TO AVOID JUDICIAL LIEN ON RESIDENTIAL REAL ESTATE**

Debtor move's this Court pursuant to 11 U.S.C. §522(f)(1)(A) and MLBR 4003-1 to avoid the judicial lien of On Deck Capital, Inc., As reasons therefore, Debtor states:

1. On February 29, 2024, Debtor filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code.
2. The Debtor owns in fee simple real estate located at 144 Quincy Shore Dr., Unit 131, Quincy, Massachusetts.
3. Said real estate has been claimed as exempt on Schedule 'C' of Debtor's petition. See Exhibit A for Declaration of Homestead.
4. On Deck Capital, Inc., is the holder of a judicial lien recorded on January 11, 2022, in the Norfolk County Registry of Deeds, Book 40236, Page 474.
5. The address of the lien holder is On Deck Capital, Inc., 1400 Broadway, New York, NY 10018.
6. The judicial lien was issued on December 21, 2021, by Quincy District Court, Docket No. 2156FJ000004.
7. The amount of the judicial lien as of the petition date is approximately \$24,700.68.

**Mortgage Lien Holders**

8. Rocket Mortgage, LLC holds a first mortgage lien.
9. Rocket Mortgage, LLC has a balance due, as of the petition date, of approximately \$193,431.98.

**Exemption**

10. Pursuant to G.L. c. 188, § 1 the available amount of the Debtor's exemption is approximately \$500,000 and said judicial lien impairs Debtor's exemption.
11. The value of the Debtor's interest in the real estate is approximately \$567,400. See Exhibit 'B'.
12. Pursuant to 11 U.S.C. §522(f)(2)(A):
  - i. Judicial Lien = \$24,700.68
  - ii. Mortgage Lien = \$193,431.98
  - iii. Amount of exemption if there were no judicial lien = \$500,000
  - The sum of (i), (ii), and (iii) = \$718,132.66.
  - Value of Debtor's interest in the property absent any liens = \$567,400.
13. Pursuant to 11 U.S.C. §522(f)(2)(a) Debtor contends the judicial lien is avoidable.

**WHEREFORE**, the Debtor moves the Court to avoid the judicial lien of On Deck Capital, Inc.

Respectfully submitted,

David Scott Beckwith,

By his attorney,

/s/ Steven Striffler  
Steven R. Striffler  
BBO No. 664224  
Law Office of Steven R. Striffler  
21 McGrath Highway, Suite 301  
Quincy, MA 02169  
(617) 290-1573  
steve@strifflerlaw.com

Date: April 13, 2024.

**CERTIFICATE OF SERVICE**

I, Steven Striffler, hereby certify that on 4/13/24, the following interested parties were served a copy of the foregoing document via first class mail or electronically through the courts CM/ECF System at:

John O. Desmond, Chapter 7 Trustee  
trustee@jdesmond.com, jdesmond@ecf.axosfs.com

Richard King - B  
USTPRegion01.BO.ECF@USDOJ.GOV

Marcus Pratt on behalf of Creditor Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc.  
[bankruptcy@kordeassociates.com](mailto:bankruptcy@kordeassociates.com)

On Deck Capital, Inc.  
c/o CT Corporation System  
28 Liberty Street, 25<sup>th</sup> Floor  
New York, NY 10005

On Deck Capital, Inc.  
David Fisher, CEO  
1400 Broadway  
New York, NY 10018

/s/ Steven R. Striffler

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**ORDER AVOIDING JUDICIAL LIEN**

After notice, and opportunity for hearing and opposition, on Debtor's Motion to Avoid Judicial Lien, it is HEREBY ORDERED:

The following judicial lien on the Debtor's real estate is AVOIDED, pursuant to 11 U.S.C. §522(f)(1)(A):

1. The Execution of On Deck Capital, Inc., dated December 21, 2021, recorded in the Norfolk County Registry of Deeds, Book 40236, Page 474.

Date:

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United States Bankruptcy Judge

Exhibit A

Bk 40390 Pg 443 #23363  
03-16-2022 @ 09:59a

N O T

N O T

DECLARATION OF HOMESTEAD

C O P Y

C O P Y

DAVID BECKWITH

Print Name of Owner

N/A

Print Name of Owner

☒ Unmarried

☐ married to each other

☐ married to \_\_\_\_\_

☐ A. Who also occupies the premises as his/her principal residence.

☐ B. Who does not occupy the premises as his/her principal residence.

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

Owning and occupying as my/our principal residence the home at:

144 QUINCY SHORE DRIVE QUINCY MA

02171

Street Address

City/Town

State

Zip Code

Norfolk County, Massachusetts

Owned



By Deed Recorded in BOOK 22472 PAGE 467  
NORFOLK REGISTRY OF DEEDS.



By Certificate of Title # \_\_\_\_\_ in NORFOLK REGISTRY DISTRICT OF THE  
LAND COURT.



Inheritance from \_\_\_\_\_ Probate Court No. \_\_\_\_\_



As a cooperative housing unit established under Massachusetts General Laws



As a manufactured home as defined in Massachusetts General Law Chapter 140, Section 320

hereby declare a homestead in said premises under the provisions of Chapter 188, Section 3 of the General Laws of Massachusetts.

Executed as sealed instrument under the penalties of perjury

this 11 day of March, 20 22  
date month year

*David Beckwith*

Signature Owner

Signature Owner

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

## Commonwealth of Massachusetts

NORFOLK ss  
County

On this 11 day of MARCH, 20 22, before me, the undersigned  
date month year

notary public, personally appeared

DAVID BECKWITH

Print Name of Document Signer

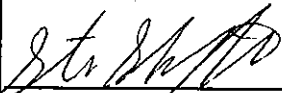
Print Name of Document Signer

who proved to me through satisfactory evidence of identification, which was/were

MA DRIVER'S LICENSE

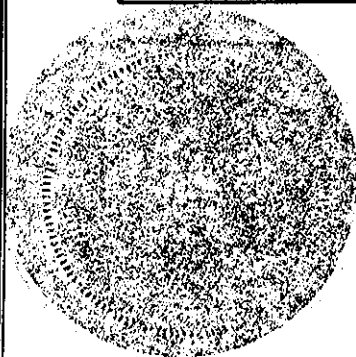
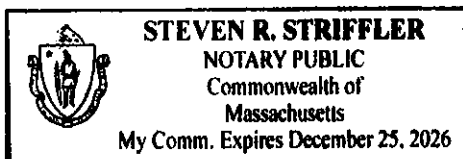
Driver's License(s)/Passport(s)

, to be the person(s) who signed the preceding or attached document in my presence, and acknowledged that the signature was his/her free act and deed.



Notary Public

My Commission Expires: 12/25/26



Norfolk County Registry of Deeds, 649 High Street, Dedham MA 02026-1831  
Norfolk County Register of Deeds, William P. O'Donnell

Exhibit B



2 bd | 2.5 ba | 1,488 sqft

144 Quincy Shore Dr UNIT 131, Quincy, MA 02171

**Off market**

Zestimate®: **\$567,400** | Rent Zestimate®: **\$3,200**

Est. refi payment: \$3,503/mo  [Refinance your loan](#)

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood](#)

### Get a cash offer in 3 minutes

Find out how much your home could sell for in as little as 3 minutes with a ~~no obligation cash offer.~~

Estimated market value

**\$567,400**

[What is this number?](#)

[Unlock your offer](#)

### Home value



Zestimate

**\$567,400**



Zestimate range

**\$533,000 - \$601,000**



Last 30-day change

**+ \$10,313 (+1.9%)**



Zestimate per sqft

**\$381**